IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.Rev.Pet.No. 4421 of 2006()

AGAINST THE ORDER DATED 12/10/2006 IN CRMP 9554/2006 IN CC.756/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, PUNALUR

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REVN. PETITIONER: ACCUSED

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1. SAM MATHAI @ SAMKUTTY,
   LILLY SADANAM, PANTHADIMUGAL,
   YEROOR, PATHANAPURAM.

2. MATHAIKUTTY,
   -DO- -DO-

BY ADV. DR.K.P.SATHEESAN
SRI. K.K.GOPINATHAN NAIR

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA,
   REP. BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

2. BABYKUTTY,
   KIZHAKKEKARAVEEDU, AYILARA,
   PANTHADIMUGAL, YEROOR, PATHANAPURAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR
SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.TITUS THOMAS
SRI.L.RAM MOHAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 4421 OF 2006

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Dated this the 21st day of February 2007

O R D E R

The revision petitioner, who is the accused in C.C.No.56/2004, has sought for setting aside the order of the court below in Crl. M.P. No. 9554/2006 dismissing the application filed by the A.P.P under section 321 Cr.P.C. The charge sheet was with respect to the offences under sections 341, 294(b) r/w 34 IPC. The Prosecutor had applied to withdraw the matter representing that the civil cases pending in between the parties have been settled and they are having cordial relationship. At the time of hearing of the above matter before the court below, it was found that there are four civil cases and four criminal cases pending between the parties and there is no settlement or possibility of settlement. Evidently, the APP was not applied her mind and her application has resulted in misrepresentation of the factual situation. In the circumstances, I find that there is no error on the part of the court below in dismissing the application filed under section 321 Cr.P.C. There is no merit in the revision

petition. The petitioners can resort to all legally permissible reliefs including filing the application for discharge.

The Crl. R.P is disposed accordingly.

K.R. UDAYABHANU, JUDGE.

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